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ABSTRACT

A chronology of the events in a 1977-1978 series of teacher/school board/administrator conflicts in Warsaw, Indiana, is presented in this paper. Newspaper stories, editorials, letters, memoranda, interview statements, legal documents, and minutes of various meetings are cited in accounts of numerous individual events. The events reported involve conflicts regarding the school board's removal of an individually guided elementary education program; the banning and burning of a values clarification book used in the high school; the banning of three books used by a high school teacher, and the teacher's subsequent dismissal; the dismissals of other teachers for nonacademic reasons; the school board-initiated search for "objectionable material" used in classrooms; the discontinuation of a phase-elective program at the high school; alleged administrator intimidation of a student who wrote an editorial supporting two dismissed teachers; and the complaint brought before the Indiana Education Employment Relations Board alleging the commission of an unfair labor practice by the school board. The paper concludes with a list of questions addressing basic issues raised by the conflicts in Warsaw. (GT)

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Occasional Paper No. 16 November 1978
Indiana Council of Teachers of English,
Division of Continuing Education & Extended Services
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"Who Will Control the Minds of the Students" in Warsaw, Indiana?

A Chronology of Events in the Series of Conflicts Between Teachers and the School Board and Several Administrators in Warsaw

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One reporter wrote about Warsaw that "this town's troubles have the dramatic elements of a modern play full of passion and moralizing. School textbooks are banned. Books are burned. A young teacher is fired. The local newspaper's editorials and letters to the editor are ablaze with sharp comment."[1]

Another reporter wrote that the "book-burning here last winter was dramatic, but it was something more. It was symbolic of a new wave of controversy over books and educational films being used in the nation's public schools."[2]

A reporter for a national television network told me that "the Warsaw story is so complex that I fear that it cannot be told accurately on network news. There's so much intrigue. There are obvious struggles for power."[3]

School board member William I. Chapel was quoted as having said: "The bottom line is: Who will control the minds of the students: parents and the citizens of the community or some external force?"[4]

Mr. Chapel, who was appointed to the Board of School Trustees of the Warsaw Community Schools in January of 1977, was also quoted by a reporter as having said: "You keep mentioning the First Amendment. How does it apply to what we're doing?"[5]

Many teachers, students, and parents in Warsaw believe that the First Amendment figures prominently in the series of decisions that were made, and that are still being made, by board members and administrators. The protesting parents, teachers, and students believe that their First Amendment rights have been violated. But only the courts can decide if constitutional rights have been infringed upon, and judges can make those decisions only after suits have been filed. It is obvious that suits will be filed, but the preparation of them takes time and money.

In the meantime, the conflict between the board and the teachers continues. A recent decision of the Indiana Education Employment Relations Board has been appealed by the school board, and the teachers are not likely to receive the relief they have requested until IEERB's decision goes through a series of courts.

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What has occurred in Warsaw? Why has that northern Indiana community attracted so much attention? How will the resolution of the teacher-board conflicts affect teachers in other communities? What freedoms are involved?

The last two are some of the critical questions that might be answered in the courts. But those decisions will not be made for some time -- if at all. In the meantime, teachers concerned about their First Amendment freedoms and those of their students should become acquainted with the details of the Warsaw conflict and should begin asking themselves a number of questions about their own teaching conditions.

What follows is a chronology of the events in the series of conflicts in Warsaw. To write this article, I have relied on news stories and editorials published in The Warsaw Times-Union and in other newspapers, on copies of letters and memos that have been given to me, on taped interviews, on copies of legal documents, on minutes of the meetings of the Board of School Trustees of the Warsaw Community Schools, and on personal interviews with students, parents, and teachers in the community. To help the reader focus on one major issue at a time, I have divided the Warsaw story into a series of chronologies.

The Removal of Individually Guided Education from Washington School

April 12, 1977

The Warsaw Times-Union reported that the school board will conduct an executive session on April 21 "to review the education program at Washington Elementary School." According to the newspaper, "Board members have been receiving numerous comments from Washington parent-patrons who say they disagree with certain aspects of the school's program and personnel."

Washington was the only school in the community that used the individually guided education plan developed in Wisconsin. The program had been in effect for five years. According to The Times-Union, "the program includes team teaching of all pupils and division of the pupils into four groups based on age rather than the traditional grade level."

The Times-Union noted: "No comments of objection to the Washington program were made at the board meeting."

May 12, 1977

The Times-Union reported that the president of the school board and two board members will invite members of the community to join them on a committee "that will officially review the elementary school's curriculum, which has come under fire from Washington parents who say their children are not learning basic skills such as reading, writing and arithmetic under Washington's five-year-old individually guided education (IGE) program."

May 24, 1977

Jo Rector, City Editor of The Times-Union, reported that the school board had voted to have a professor from Ball State University "thoroughly study Washington Elementary School" during the last three days of school. "Even parents who support Washington's five-year experiment with individually guided education (IGE) are incredulous."

Ms. Rector also reported that Dr. Max E. Hobbs resigned his post of superintendent of the Warsaw Community Schools. Dr. Hobbs had been in Warsaw for seven years. One of his major innovations in Warsaw was the experiment with IGE at Washington Elementary School.

June 21, 1977

The school board voted to end the IGE program at Washington Elementary School. According to Ms. Rector, writing in The Times-Union: "In a 15-minute meeting Monday afternoon Warsaw School Board voted, without dissent, for strict parameters in all nine of its elementary schools starting next autumn. The board action standardizes curriculum and teaching methods in each elementary."

July 5, 1977

In an editorial initialed by William K. Mollenhour, Editorial Editor, The Times-Union called for an end to the controversy over the removal of IGE from Washington Elementary School. The editor noted that the controversy is "rapidly turning into a therapeutic stroking of bruised adult egos to determine who had the most power and influence. Teachers, parents and organizations are getting into the act, none of which has much of anything to do with bettering education."

Mr. Mollenhour noted that some of the "affected teachers and a small group of parents would not permit the effort to improve education to proceed in an orderly and peaceful manner." Rather, the dissenters held strategy meetings, circulated "innocent sounding" petitions, and requested "yet another public meeting" with the school board. Mr. Mollenhour wondered if the dissenters were not trying to divert the board's attention from "other pressing problems in the school system."

July 12, 1977

Ms. Rector reported the appointment of a new principal at Washington Elementary School and the transfer of four teachers from Washington to other schools in the district. Ms. Rector also reported that "/l/ast night the school board received petitions carrying the names of about 230 persons, all said to be Washington patrons, who want the teacher transfers reconsidered."

The attorney representing the 230 petitioners was quoted as saying "the only consistent reason or pattern for the transfers (of the four Washington teachers) was that all four teachers at one time or another had spoken up in support of the system (IGE) that was in force by a direction of the school board."

The Banning and Burning of Values Clarification

Background: Dr. Max E. Hobbs, former Superintendent of the Warsaw Community Schools, invited the Indiana Department of Public Instruction to conduct an in-service training program on values clarification in August of 1975. As a result of that workshop and subsequent study, the English Department of Warsaw High School added a course entitled "Values for Everyone" to its elective program, and the teacher of the course used parts of Values Clarification by Sidney B. Simon, Leland W. Howe, and Howard Kirschenbaum (New York: Hart Publishing Co., 1972). Teachers in Warsaw were encouraged to study the approaches used in values clarification courses and to use whatever exercises they deemed to be appropriate for their own classes.

July 19, 1977

The following paragraph was included in the minutes of the school board meeting:

> A discussion was held on the Values Clarification class at the Senior High School. Mr. Chapel submitted for review the textbook used by the Values Clarification class. After the Board reviewed the material submitted, and following a lengthy discussion about this class, Mr. Yohey made a motion, seconded by Mrs. Stokes, that the Values Clarification class at the Senior High School be dropped immediately from the English Department, and that the textbook used in this class be removed from the school premises immediately, with the understanding that the textbook used for this class will be destroyed when legally permissible.

July 20, 1977

Ms. Rector reported in The Times-Union: "It took only a few minutes of reading passages from the text for the school board's reaction to throw the book out and discontinue the English class that once used it."

According to Ms. Rector, board member Fred Yohey stated in his motion that the book should be "thrown out, removed, banned, destroyed and forbidden to be used."

July 25, 1977

The following sentence is the only reference to the banned textbook in the minutes of a special session of the board: "The Board asked, was the textbook Values Clarification in fact on the Warsaw approved book list?"

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August 8, 1977

These two paragraphs were included in the minutes of the school board meeting:

> There was discussion concerning the Values Clarification book used in English courses in W.C.H.S. by the School Board, Administrators, patrons and teachers.
>
> . . . .
>
> Values Clarification - Jack Musgrave - Mr. Jack Musgrave asked if it would be proper to speak on an issue that took place at the last meeting. Mr. McCleary granted permission, and Mr. Musgrave read a statement concerning the English course which had used the book Values Clarification. Discussion followed concerning the banning of the book by the School Board. There were comments by Ruth Luithly who had taught from the book, and by another teacher, unnamed. Toni Morehead questioned the purpose of using the book. Mr. McCleary stated there would be a report later.

August 9, 1977

Mrs. Arleen Miner, Coordinator for the Department of English at Warsaw High School, resigned her position as coordinator because she felt "there is not enough trust in me."

According to Ms. Rector in a news story in The Times-Union, Mrs. Miner felt that she should have been consulted about the English curriculum before the board decided to change the program. The board had voted in July to replace three high school English classes with two composition courses. Mrs. Miner said that the board had been misinformed when it was told there was only one writing course in the high school phase-elective program. "There are five writing courses," she said.

Ms. Rector reported that Mrs. Miner and other English teachers also defended the use of Values Clarification during the board meeting the night before. According to Ms. Rector, the board "banned the book last month because it contained passages that asked students to share their views on pre-marital sex, masturbation and other experiences. Board members said they believed exercises in the book could encourage students to reject their family values and those of churches, government and other institutions."

Jack Musgrave, teacher of English at the high school, read a prepared statement in which he noted that the exercises quoted by the board were never used in the class entitled "Values for Everyone." Mrs. Ruth Luithly, a teacher of English who had recently resigned, told the board that only ten of the approximately two hundred exercises in the book were used in the class. According to Ms. Rector, Mrs. Luithly said "she believes the board did not understand how the book was being used."

August 15, 1977

The minutes of the school board meeting contain these two paragraphs about Values Clarification and the reviews submitted by board member Chapel:

Mr. Chapel requested that he would like to have placed on the agenda and to include as part of the Board Minutes, two outside evaluations of the book "Values Clarification." This was approved with unanimous vote of the Board. Mr. Chapel read excerpts from two practicing psychologists (copies attached) and then made a motion that these two evaluations be made part of the Minutes. The motion was seconded by Mr. Dalton and the motion passed unanimously.

Mr. Jack Musgrave commented to the Board that he never doubted the authority of the Board with reference to the textbook "Values Clarification" but that he questioned the method they had taken. He stated that he felt that the public was entitled to more input. Mr. Chapel responded to Mr. Musgrave, stating that the seven school Board members did represent "input" by the public.

August 16, 1977

The Warsaw Times-Union published Ms. Jo Rector's 24-paragraph story about the banning of Values Clarification. Ms. Rector reported that a group of senior citizens hoped to obtain the set of Values Clarification textbooks from newly appointed Superintendent Charles Bragg. "We plan to burn them," the spokesman for the senior citizens said. Ms. Rector noted: "A date or site for the public cremation has not been selected yet."

Ms. Rector reported that one board member told "the assembled teachers and patrons" that "we're not backing down." According to Ms. Rector, Fred Yohey added "that in matters of textbook selection and use the school board 'is the boss.'"

Ms. Rector devoted nine of the 24 paragraphs to the two evaluations introduced by Mr. Chapel. Neither Ms. Rector nor Mr. Chapel identified the two psychologists.

December 15, 1977

The Times-Union published a photograph of a group of senior citizens burning forty copies of Values Clarification.

The Banning of Go Ask Alice, The Stepford Wives, and The Bell Jar and the Dismissal of Teresa Burnau

Background: During the 1976-77 academic year, first-year teacher Teresa Burnau was assigned to teach a phase-elective course entitled "Women in Literature," which she taught from the outline designed by her predecessor. In the spring of her first year, she revised the course and asked the principal to order the books for the following year. Her original list included The Stepford Wives, Go Ask Alice, The Bell Jar, Growing Up Female in America, The Feminine Plural, and The New Woman: A Motive Anthology.

When the books arrived, Ms. Burnau reported that the principal gave them a "cursory examination." He asked her to return Growing Up Female in America to the publisher since it contained pictures of nude women. She agreed to return the copies of the book since it was designed as supplementary material.

Later that same day, the principal asked Ms. Burnau to return to his office. He told her that The Stepford Wives was "of questionable nature." Ms. Burnau added: "He pointed out that the women in the story discussed sleeping with their husbands. He did not know what the story was about, nor did he support my desire to use it. He simply dismissed the book because someone in the community might be offended."

Ms. Burnau reported that she did express "a certain degree of frustration and anger" when she was told that she could not use The Stepford Wives. "I pointed out that even if Warsaw is a conservative community, there is a certain reality that must be recognized. That reality is that teen-agers should deal with sexuality on an intelligent level rather than an emotional one. He did not deny what I said, but he removed the book from the course."

October 10, 1977

This paragraph was included in the minutes of the school board meeting:

> Chris Whitney asked if the book entitled Go Ask Alice is being removed from the high school reading list. Dr. Bragg stated there are some books in question at this time. He stated a directive was issued to principals in the third week of August asking them to respond to him about any books that were in poor taste, and that responses have been received.

October 11, 1977

In a supervisor's conference report to Ms. Burnau, Principal C. J. Smith commented:

> The paperback 'Go Ask Alice' was found to be objectionable by patrons of our school. You were advised to discontinue the use of any reading materials that contained these kinds of obscenities. A guideline to follow is not to use any reading materials in your classes that would cause you embarrassment if you were asked to read these materials to our governing body.

November 30, 1977

In a supervisor's conference report to Ms. Burnau, Principal Smith noted: "Our discussion then centered on the use of 'the Bell Jar' which you have been instructed not to use in your Women's Lit class..."

December 2, 1977

Ms. Burnau sent this memo to Principal Smith:

> I would like to clarify a statement in your assessment of our discussion. You stated the following: "You felt that you could find other materials for reading in the class."
>
> I presented an option that you chose not to consider. I would like to read the book in question with students who receive parental permission. Those who choose not to obtain permission will have a choice of reading another book which the school already owns.
>
> This practice is common in the English department and would be an effective means of dealing with what you believe to be the problem.
>
> I regret leaving you with the impression that at this late date in the semester I can readily find different reading material.
>
> I would like you to add this to your written record.

March 14, 1978

Principal Smith filed a Staff Appraisal Criteria Supplemental Report on Ms. Burnau in which he made these comments:

> Miss Burnau is an excellent classroom teacher and is doing a fine job in teaching composition I this second semester.
>
> The problems of class control encountered the first year of teaching have been alleviated. Miss Burnau is serving as yearbook sponsor the current year with a well-organized yearbook staff. Work on the yearbook is progressing satisfactorily.
>
> Areas of concern the first semester that were discussed with Miss Burnau were as follows:
>
> 1. Use of materials in her Woman's Lit class that were considered to be objectionable (Go Ask Alice)
>
> 2. Displaying resentment and a poor attitude for not being allowed to use additional materials that were considered to be objectionable and in poor taste. (The Bell Jar)

Of eighteen items on a checklist, Principal Smith checked Ms. Burnau as being satisfactory (the highest rating) on fourteen. He marked her as unsatisfactory on "continues to grow professionally" and as "Satisfactory but suggested Target Objective Area" in these three categories: "shows emotional stability and maturity," "shows enthusiasm," and "has a sense of humor."

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April 28, 1978

Superintendent Charles Bragg sent Ms. Burnau this letter:

Miss Burnau:

Re: REASONS FOR NON-RENEWAL
OF YOUR TEACHING CONTRACT

The decision by the administration and school board not to grant you a contract for the 1978-79 school year and extend to you semi-permanent status resulted from several problems which were pointed out about your performance, namely: the inability on your part to handle professional direction in a positive manner, there appears to be the lack of a continuum of growth in areas which involve maturity and judgment and acts on your part which indicate a lack of enthusiasm.

We feel that it is in the best interest of the school corporation not to offer you a contract for the 1978-79 school year.

The action of the school board was based upon the consideration of the above problems. The conclusion was the level of instruction in the English teaching program could be improved by your replacement.

June 13, 1978

Background: The central administration of the Warsaw Community Schools recommended to eleven teachers that they resign; three -- Teresa Burnau, JoAnn DuPont, and Lynn Caraway -- refused. The trio was dismissed. Because many parents and students protested the dismissal of the three teachers, the school board granted each a special hearing at which parents, teachers, and colleagues presented arguments for the teachers' reinstatement.

In the individual hearings, witnesses for the dismissed teachers testified that each of the dismissed teachers had been evaluated as having done a good job in the classroom. Each had a great number of supporters in the community, and the witnesses noted that they could not believe the charges for dismissal that had been leveled by Superintendent Bragg.

"The charges were absolutely ridiculous," Mrs. Jackie Zykan, a parent in the community, said. "For example, read the reasons that Dr. Bragg gave JoAnn DuPont."

The following is a statement by Mrs. DuPont that was printed in an editorial in KONTAC, the high school student newspaper, on May 26, 1978:

On Wednesday, April 12, five days before the Board terminated my contract, I was advised of the following reasons for my contract non-renewal: 1. drinking coffee in my room; 2. allowing my students to eat candy and drink pop at their desks; 3. being out of my room and the students not knowing where I was; and 4. allowing my daughter to allegedly be in my

> classroom when her bus brought her back from Sacred Heart at 2:49 p.m. Since I have not received any criticism of my teaching performance in the five years at Warsaw, and this year's was equally good, including phrases, "continues to do an effective job" and "conscientious" and "recommended for continued employment", I was shocked when Dr. Bragg gave me his letter stating Mr. Smith was recommending my contract not be renewed. This proves that the evaluation policy currently being used in all buildings is totally worthless. It also proves that this administration is not interested in the best performance from all teacherr since they are not willing to identify weak areas, give specific recommendations for improvement, and a sufficient amount of time to carry those out. I feel that I am being dismissed for reasons other than my teaching performance.

Mrs. Zykan agrees with Mrs. DuPont. "JoAnn was secretary of the Warsaw Community Education Association, and that was a strike against her even though she is an outstanding teacher. She ran her class like a business office. And some of those kids were in there for two and three hours. So of course they ate candy and drank pop at their desks. They could do that in business. That's not why JoAnn was fired. She was fired for being an outspoken teacher and an officer of the WCEA."

After the individual hearings, the witnesses for the dismissed teachers expected to hear some word from the school board. None was forthcoming; therefore, John Bell, a parent from Leesburg, spoke out at the board meeting in behalf of Lynn Caraway and the other two dismissed teachers. His action led to an interesting conclusion to the school board meeting.

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According to Ms. Rector's news story in The Times-Union, the school board "hastily" adjourned its meeting after a heated exchange between John Bell and board members Yohey and Chapel. In the dialogue that The Times-Union printed on page 15, board member Yohey twice told Mr. Bell to "close his mouth" and finally said, "And if I wasn't a gentleman, I'd knock you on your can..."

Mr. Bell had tried to read a prepared statement in behalf of the dismissed teachers. The board objected to several of "Bell's verbal barbs...tossed at individual school officials -- an administrator and two board members."

Apparently, Mr. Bell had called the president of the school board the night before the meeting and had asked whether the school board would take action on the three non-renewed contracts. According to Ms. Rector, the president of the board told Mr. Bell that the "board's public vote had already been taken on April 17." (That was the date of the meeting in which the dismissals were announced.)

Ms. Rector then reported:

> "He (Jerry Johnson, president of the board) told me," Bell said, "that the school board had never said that it would give those teachers an answer. The board said it would hear them."

> Johnson said today that he did not tell Bell, one of his co-workers at R. R. Donnelley and Sons Co., the school board "had never said it would give those teachers an answer."
>
> "What I said was that the school board never said it was conducting a reconsideration of the case. The school board said it would listen to the point of view of each of the teachers, which it did," Johnson said this morning.

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Ms. Rector also reported that there was an "embarrassed silence" during the board meeting as one of the patrons, Carl Davis, read excerpts from Go Ask Alice.

According to Ms. Rector, Mr. Davis said that he and others were at the board meeting to support the banning of the book "and to ask the board to please protect our children from such material."

After he read twelve paragraphs from the book, Mr. Davis challenged any teacher in the audience to "support this language and explain the educational value."

Ms. Rector reported: "No teacher rose to defend the explicit language or explain its educational value when Davis was through."

Jack Lowry, a patron who accompanied Mr. Davis, told the school board that there's "absolutely no educational value in that text or in the two or three others banned."

Anthony Zykan, another patron, told the board that he would not presume to "read the Bible out of context and I wouldn't presume to comment on that book out of context."

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The Times-Union printed the news story containing the excerpts from Go Ask Alice on page three. On page one, the newspaper printed a cautionary note: "A school parent reads explicit words from a controversial textbook removed from Warsaw Community High School, and some readers may find the excerpts objectionable. Reader discretion is advised."

June 14, 1978

Mr. Mollenhour initialed an editorial that was entitled "Filthy Language." In it he apologized "to any reader who was offended by the dirty, filthy and vulgar language..." He added: "It was language taken verbatim from a textbook to which students in our school system had already been exposed." He pointed out that some patrons and some newspaper reporters from outside newspapers complained about the book bannings in Warsaw. Mr. Mollenhour concluded:

> Again, The Times-Union regrets the necessity of re-printing the objectionable words of the textbook in order that the public would recognize the charges of censorship and stifling academic freedom for what they are -- pure garbage.

June 19 and 21, 1978

The Times-Union printed seven letters to the editor supporting the banning of Go Ask Alice. Several of the letters indicated that the writers were condemning the book on the basis of the excerpts printed in the newspaper.

The Search for Objectionable Material

June 20, 1977

The school board approved the following policy in a special session:

> Any multi-page teacher-made material used as a source of instruction must have prior approval by the principal and the superintendent and be printed at the Instructional Materials Center before it can be formally utilized in the classroom. This excludes review sheets and teacher-made tests.

October 10, 1977

These two sentences were included in the minutes of the school board meeting:

> ...Dr. Bragg states there are some books in question at this time. He states a directive was issued to principals in the third week of August asking them to respond to him about any books that were in poor taste, and that responses have been received.

October 18, 1977

Principal Smith sent a memo to all teachers at Warsaw High School that included this directive:

> Any classroom materials that you have in your room that might be objectionable, please bring them to the office.

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The following paragraph was included in the Hearing Examiner's Report on the unfair labor practice hearing in Warsaw:

> ...Following Mr. Smith's announcement in the October meeting, Ms. Arleen Miner brought him an English literature textbook, Student Critic, that she had been using for three or four years. She showed him where there were a few words such as "damn" and "hell". She asked if this might be considered objectionable. He replied, "yes". Ms. Miner was then faced

with the task of having students bring this book to her so that she could ink out the words "hell" and "damn". Up until this time, Ms. Miner had not been concerned about the words. And Smith had not considered them objectionable.

Mrs. Miner was unable to blot out the "offensive" words with ink. Apparently, she asked the principal if she should cut out the offensive pages, and the answer to that question obviously led to this incident:

In a taped interview, Blair Zykan, a senior student at Warsaw High School, said that the former coordinator for English entered the classroom quite distraught. She asked Blair to collect the books from students who were enrolled in a course in literary criticism. She noted to the class that she had been in the principal's office and that she felt that she must collect the books. After the books were collected, the teacher took a scissors and removed "three or four pages of objectionable material" from each book and then returned it to a student. Mr. Zykan was under the impression at the time that the pages were being cut out of the books at the direction of the principal. He also noted that the objections were apparently to a "few hells and damns" and to the fact that the boy in the story did not get along too well with his father.

January 9, 1978

These paragraphs were included in the minutes of the meeting of the school board:

Mr. Chapel read the following resolution:

"Be it resolved the teachers, administrators and staff of this school district shall be directed to teach students to avoid the use of profanity and obscenities, also books and materials that could be construed as objectionable in this community shall not be used."

Mr. Chapel moved for adoption, Mr. Dalton seconded. There was unanimous approval.

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Dr. Bragg asked Mr. Chapel to read the resolution concerning objectionable material, relative to the judgment. Mr. Chapel verified which part to read and read as follows: "...books and materials that could be construed as objectionable in this community shall not be used." Mr. Goshert asked whose opinion would be considered. Mr. Chapel responded that he hopes we have professional staff and teachers who can use that judgment. He stated that he does not want to tie them up to the point where somebody says that Shakespeare cannot be taught. He will rely upon individuals to use good judgment. Mr. Yohey added that he thinks the teachers will have no problem knowing the will of this community.

Discontinuation of Courses and a Unit

Background: On July 13, 1977, the Warsaw school board appointed Dr. Charles Bragg superintendent. On August 25, 1977, Dr. Bragg recommended the following changes in the English program, and his recommendations were unanimously approved by the board:

1. the addition of these three courses to be offered starting September 5: Composition I (grammar and composition), Composition II (essay writing) and College Prep (developmental reading, college bound);

2. the discontinuation of the following courses in the second semester: Gothic Literature, Black Literature, Science Fiction, Good Guys, Folklore and Legends, Detective and Mystery Fiction, and Whatever Happened to Mankind;

3. the discontinuation of the phase-elective APEX program at the end of the 1977-78 school year;

4. the development, during the 1977-78 academic year, of a required English program for grades seven through eleven with elective offerings for grade twelve;

5. the requirement of at least one written assignment a week for all second-semester courses;

6. concentrated efforts to emphasize vocabulary, grammar, composition and building reading skills and habits in all secondary English classes;

7. the addition of one half-time teacher of English at the seventh grade level to allow more instructor-pupil involvement in English composition;

8. greater initiative to involve student, parent, teacher and counselor in English course selection.

Under the sentence about the discontinuation of the phase-elective program was this statement: "Restructure Seventh through Eleventh grade program to include more required courses at established achievement level."

In her news story about the school board meeting, Ms. Rector wrote: "...sex education taught through a human growth and development unit in Warsaw Middle School health courses will undergo further review by the school board's curriculum committee."

In September of 1978, several teachers in the Warsaw system indicated that the unit on sex education was still removed from the health program.

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The Student Editor and the First Amendment

May 9, 1978

Anne Summe's editorial about two dismissed high school teachers will finally be published in KONTAC, the student newspaper at Warsaw Community High School. In a news story in The Times-Union, Ms. Rector reported that Principal C. J. Smith reversed his decision and will now allow the editorial to be published after Miss Summe rewrote portions of it.

Before Mr. Smith reversed his decision, Miss Summe told him that she would appeal his decision to stop the publication of the editorial to the school board. According to Ms. Rector, "The basis for her proposed appeal to the board was advice from the Student Press Law Center, Washington, D.C., which Miss Summe contacted by telephone late Friday."

The editorial was published in the May 26 issue of KONTAC.

September 11, 1978

Jack L. Summe the father of student editor Anne Summe, read a letter to the school board during i meeting on September 11. Written by Michael D. Simpson, Director of the Student Press Law Center, the letter was addressed to Ray Green, the newly appointed principal of Warsaw High School.

Mr. Simpson referred to a meeting called by Mr. Green in which he told Miss Summe that she was "part of a problem" and requested that she sign a document stating that she would not participate on the staff of the newspaper this year. Principal Green also indicated that the newspaper might not be funded because of "problems" in the past. Miss Summe's parents were present at the meeting.

Mr. Simpson expressed the opinion that the meeting "you arranged with Anne and her parents was nothing less than an attempt on your part to harrass and intimidate Anne so that she would not work on the school paper. It is my opinion that such coercion is one of the worst examples of unethical behavior that I have experienced in my years as a student advocate."

Mr. Simpson stated that "this type of intimidation will not be tolerated." He indicated that if Mr. Green's "efforts to control the student newspaper continue, I will advise Anne and her parents to seek legal redress."

November 8, 1978

Mr. Simpson sent me a carbon of a letter in which he noted these developments in the Warsaw student press situation:

1. It is my understanding that in place of a regularly published newspaper, the students will be allowed to write articles for the local newspaper. I do not believe the First Amendment permits this form of indirect censorship.

2. Just this week...Principal Green sought to require two students to turn over photographs of marijuana they had taken and to reveal the source of the pot.

3. It seems that other school officials confiscated the film of a student photographer who was taking photographs of the recent walkout by some of the students.

The Unfair Labor Practice Hearing

The following is the opening section of the Hearing Examiner's Report on the unfair labor practice hearing in Warsaw:

On January 4, 1978, Silas Howard filed a complaint before the Indiana Education Employment Relations Board (hereinafter the "IEERB") alleging the commission of an unfair labor practice.

On February 6, 1978, the Respondent filed its answer and counterclaim. This case was re-assigned to Hearing Examiner Robert Lingenfelter on March 28, 1978. The matter came up for hearing on June 26, 1978, at Warsaw, Indiana.

Essentially, the Complainant has alleged that the Respondent has violated Section 7(a)5 and 6 of Title 20 of Article 7.5 of the Indiana Code, 1976, (hereinafter "the Act") by:

1. unilaterally changing the personal leave policy without discussing this change.

2. unilaterally changing the curriculum of the Washington Elementary School.

3. unilaterally and forcibly transferring four teachers from Washington Elementary School to another school.

4. unilaterally banning an English textbook.

5. unilaterally changing the high school English curriculum.

6. unilaterally changing the length of lunch periods on non-student attendance days.

7. by-passing the exclusive representative, WCEA, on the matter of non-student attendance days.

8. unilaterally changing working conditions for English and home economics teachers.

9. unilaterally changing working conditions for Leesburg Elementary School teachers by establishing a check-in system.

10. unilaterally changing working conditions for employees by adopting other check-in systems.

11. having high school principal, C. J. Smith, unilaterally administer an arbitrary and capricious textbook censorship program.

January 23, 1978

The Times-Union headlined a William Mollenhour editorial as "Frivolous Charges." Mr. Mollenhour noted: "On the face of them, the alleged infractions would be termed by a court of law as frivolous, irresponsible, costly, and inflammatory. However, collective bargain laws are loaded on behalf of unions, so the designated school authorities may not be able to get a fair shake in an unfair labor practices hearing, which can only further disrupt the educational processes of the Warsaw Community School Corp."

"...It is a power struggle in which only the students can lose by the additional turmoil created. The community has grounds to be disappointed just at the time the teachers were gaining stature and credibility with parents..."

*****

The Times-Union published an editorial cartoon with the caption, "Very Taxing!" The cartoon depicts a female teacher arguing nose to nose with a member of the school board. The teacher is shouting "Unfair!" The school board member replies, "Just Common Sense!" Peeking out at the reader between the two adversaries is a bewildered child.

June 21, 1978

In a front-page story that covered one-third of the page, The Times-Union announced the formation of "People Who Care," an organization that "seeks to rally support for the beleaguered school board and heighten public awareness about the issues at stake in the community's educational system."

According to Ms. Rector, "People Who Care" is headed by Carl D. Davis, who read excerpts from Go Ask Alice at a recent meeting of the school board, and Sharon Lowry. The organization ran a full-page advertisement in the newspaper, asking parents to clip out a coupon and mail it to the organization. The message on the coupon follows:

> Yes! I wish to express my support for the present school board in removing textbooks containing filthy, vulgar language, in switching from immoral libertine courses to basics and instituting honest teacher evaluation!

The advertisement contains a picture of the cover of Go Ask Alice. Under the picture is this copy:

> "Go Ask Alice" is only one among several text books the School Board has removed from the High School curriculum.
>
> The teachers insist on using questionable text books for our children... under the guise of instruction...in English literature...

A similar advertisement was published in the newspaper on June 22.

June 23, 1978

The Times-Union published a cartoon of a Paul-Revere-type character charging through the streets shouting, "To arms! The Teacher's Employment Relations Board is coming!" The rider is labeled People Who Care. Under the cartoon is the message: 10 A.M. MONDAY BE THERE!

June 26, 1978

The unfair labor practice hearing began. The hearing examiner let the proceedings continue for four days until both the complainants and the respondents had an opportunity to call their witnesses. The respondents frequently objected to the conduct of the hearing.

*****

The newspaper published an editorial cartoon with the caption, "Saturday In The Park." The cartoon depicts six scantily clad and obviously dirty young people who are disturbing a mother and three children who are trying to have a picnic in the park. One of the bearded people is sitting in the family's picnic basket; another is stretched out on the picnic bench, obviously drunk; a third is rolling a joint. Under the feet of one of the unwashed is a copy of Go Ask Alice.

June 23, July 5, 6, and 8, 1978

The Times-Union published editorial cartoons in the newspapers issued on the dates above.

The first depicts children running for their lives between trenches that are labeled School Board Confederacy and Teachers Union.

The second shows a hanging judge who is labeled IEERB about to pull the rope on a man who is labeled Warsaw Community Schools. Behind the judge is a group of people, one of whom is labeled Alice. The man with the noose around his neck is saying, "I wish to say..." The hanging judge is saying, "Shut up you. This fair trial is over!" The cartoon bears this caption: "Don't Confuse Us With Facts."

The third is a drawing of a barrel of apples that is labeled Warsaw Community Schools. Three of the apples are rotten; obviously, they are the three dismissed teachers. The good apples are concerned that people will think that the terrible smell is coming from them as well as from the three bad apples. The caption: "A Little Leaven Leaveneth The Whole Lump."

The last cartoon shows a crowded school bus with the passengers reaching over the driver's shoulder trying to steer the bus. The driver is labeled Management. The passengers are labeled Teacher Protest. The caption: "Everybody Wants to Drive!"

October 6, 1978

The IEERB Hearing Examiner submitted the following Recommended Order:

The Hearing Examiner hereby recommends that the IEERB:

1. order the respondent, for the 1979-80 school year, to reverse all policies (which the complainant sets out in its original complaint) to the status quo positions, i.e.:

   (1) all textbooks shall be restored to classroom use,

   (2) all courses shall be restored to use,

   (3) all personnel changes shall be reversed as they concern the Washington Elementary School,

   (4) all working conditions shall be restored to the status quo,

   (5) all curriculum changes shall be reversed to the status quo,

   (6) the English and home economics department chairmanship vacancies shall be filled with qualified teachers.

2. after the return to a position of status quo, order the respondent to meet and discuss any proposed Section 5 policy changes for the above matters.

3. order the respondent to cease and desist from further failures or refusals to discuss Section 5 items.

4. dismiss the counterclaim and cross complaint with prejudice.

October 9, 1978

The Times-Union reported that the Warsaw school board will appeal the hearing examiner's opinion.

Some Questions

I am frequently asked what might be accomplished if teachers, students, and parents in Warsaw file suits in Federal Courts, charging that their First Amendment rights have been violated. Obviously, I cannot predict the outcomes of such trials; rather, I can only guess that these questions, among others, might possibly be answered:

Do secondary school teachers enjoy academic freedom? (Recent court decisions indicate that they do.)

Do students have the right to know? If they do, is that right predicated on the teachers' right to teach?

Should the sensibilities of school board members serve as the sole guide as to what should be taught in the public schools and what methods should be used?

Do school board members have the obligation to read a book in its entirety before acting on it?

If a school corporation has a set of procedures for reviewing books that have been challenged by a member of the community, should board members be required to follow the same set of procedures before they ban a book?

Do school board members have the right to remove a course from the curriculum simply because they do not like it? Do they have the right to remove a course without examining it thoroughly? Do they have the right to deny students the right to learn about a subject? Do school board members have the right, as occurred in Warsaw, to remove a course based on hearsay objections and ban a book based on the reviews of two unidentified psychologists? (The reviews were introduced into the board meeting 26 days after the book was ordered destroyed and the course removed from the curriculum.)

Can a teacher be dismissed simply for protesting a decision of an administrator? Does a teacher have the right to disagree with an administrator?

What is objectionable? Who can decide what is objectionable? If school boards and administrators have the right to remove anything from classrooms that they find objectionable, will there be anything left to teach in some school corporations? Can the term <u>objectionable</u> be used to intimidate a teacher to the extent that the individual would use scissors to remove pages from a textbook that contained a few <u>hells</u> and <u>damns</u>?

Do student editors and reporters enjoy specific privileges accorded them by the First Amendment? (Previous court cases indicate that they do.)

Those are only some of the questions that might be answered as a result of the conflicts in Warsaw. Much can be learned. Much must be learned. Much has already been lost.

Notes

1. Noel Rubinton in The Indianapolis Star, July 2, 1978, p. 1.
2. Larry Green in The Los Angeles Times, June 3, 1978, p. 1.
3. Telephone conversation with Jackie Castleberry of CBS News, September 15, 1978.
4. Rubinton, op. cit., p. 20.
5. Green, op. cit., p. 9.

Addendum

If you wish to communicate with some parents, teachers, and students in Warsaw, you might write to the following:

Mr. and Mrs. Anthony Zykan
Route 7
Valley Springs Road
Warsaw, IN 46580

Ms. Teresa Burnau
R.R. 8, Box 439
Warsaw, IN 46580

Mrs. Arleen Miner
Department of English
Warsaw Community High School
East Smith Street
Warsaw, IN 46580

Mr. Jack Musgrave
Vesta Apartment 11
Route 5
Warsaw, IN 46580